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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2428

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Bryan James Tipton

Defendant

Magistrate's Case No.:

COMPLAINT FOR VIOLATION OF

Title 21 U.S.C. § 841(a)(1)

Possession of a controlled

Substance with Intent to

Distribute

The undersigned complainant duly sworn states:

That on or about August 4, 2008, within the Southern District of California, defendant Bryan James TIPTON did knowingly and intentionally possess with intent to distribute approximately 109.7 kilograms (241.80 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

JADL
Jacob Alvarado, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, August 5, 2008.

Ruben B. Brooks
Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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1 UNITED STATES OF AMERICA

2 v.
Bryan James Tipton

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4 STATEMENT OF FACTS

5 I, Special Agent Jacob Alvarado, of the Drug Enforcement
6 Administration, declare under penalty of perjury, the following is
7 true and correct:

8 On August 4, 2008, at approximately 1:45 PM, United States
9 Border Patrol (USBP) agents were conducting anti-smuggling
10 operations on Tierra Del Sol Road in Boulevard, California when
11 they noticed a small grey Honda Civic with California license
12 plates 1RSP754 parked at the residence located at 568 Tierra Del
13 Sol Road. Just ten (10) days earlier, on July 25, 2008, USBP
14 agents seized approximately 266 pounds of marijuana from the garage
15 of the residence located at 568 Tierra Del Sol Road. USBP agents
16 observed fresh footprints leading North toward the property and
17 later observed a male, subsequently identified as Bryan James
18 TIPTON, exit the front door and stand near the grey Honda. USBP
19 agents Leo Miele and Leonardo Valdivia approached TIPTON and
20 identified themselves as USBP agents. TIPTON voluntarily provided
21 USBP Agents with identification and stated that he had moved into
22 the residence approximately two (2) days prior. USBP agents
23 smelled a strong odor of fresh marijuana and asked TIPTON for
24 consent to search the residence. TIPTON granted consent and led
25 agent Miele into the house. Once inside, agent Miele observed a
26 large suspicious object in TIPTON's closet which was covered by a
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1 blue blanket. TIPTON led Agent Miele back outside the residence to
2 Agent Valdivia who was still standing near the grey sedan. Still
3 smelling a strong odor of fresh marijuana, Agent Valdivia, who
4 noticed numerous clothing articles in the back of the vehicle,
5 asked if the vehicle belonged to TIPTON; TIPTON confirmed that it
6 did. Agent Valdivia asked for consent to search the vehicle;
7 TIPTON granted consent. Agent Miele opened the driver side door of
8 the vehicle and immediately noticed several large packages wrapped
9 in the clothing. Agent Miele moved some of the clothing and
10 revealed numerous aluminum foil and cellophane wrapped bundles.
11 Following this discovery, TIPTON walked over to Agent Miele with
12 his hands out as if he was ready to be handcuffed. At
13 approximately 2:00 PM TIPTON was placed under arrest. A subsequent
14 search of the residence revealed a large green duffle bag stuffed
15 in a crawl space under the residence. Another green duffle bag was
16 discovered in TIPTON's closet under the blue blanket. Both bags
17 were filled with small brick shaped packages. A total of fifty
18 (50) packages were recovered from the two duffle bags and another
19 six (6) larger packages were recovered from TIPTON's vehicle for a
20 total of fifty-six (56) individually wrapped packages. Each
21 package contained a green leafy substance wrapped in aluminum foil,
22 cellophane, and brown tape with a total weight of 109.7 kilograms
23 (241.80 pounds). TIPTON was later transported to the Pine Valley
24 Border Patrol station. At the station, a narcotics field test was
25 performed on a random package. The test returned a positive result
26 for the presence of marijuana.
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28 The Drug Enforcement Administration (DEA) was notified.

1 Special Agents Darien Dir and Jacob Alvarado responded and took
2 custody of TIPTON and the marijuana. At approximately 5:15 PM,
3 Agent Dir, as witnessed by Agents Alvarado and Miele, read TIPTON
4 his Miranda Rights via a DEA-13A card. TIPTON stated that he
5 understood his rights and agreed to speak to Agents.

6 TIPTON stated that approximately two weeks prior to the date
7 of his arrest he met a male at The Soboba casino near Hemet,
8 California. TIPTON stated that the male offered TIPTON a job
9 transporting marijuana. TIPTON stated that the male promised to
10 provide TIPTON with room and board and "big money" if he agreed to
11 transport the marijuana. TIPTON stated that he accepted the job
12 offer and was told to contact a male named "Bobby" in Tecate,
13 Mexico. TIPTON stated he met with Bobby in Tecate, Mexico and
14 stayed in a hotel in Tecate, Mexico until August 2, 2008, when he
15 followed Bobby to the residence located at 568 Tierra Del Sol Road
16 in Boulevard, California. At that time, Bobby gave TIPTON \$100.00
17 for groceries and told TIPTON he could stay at the residence.
18 TIPTON stated that the following day, August 3, 2008, Bobby picked
19 TIPTON up and showed him the smuggling route he was to take once he
20 was given the marijuana. TIPTON stated that the following day,
21 August 4, 2008, he was contacted by Bobby at approximately 12:00
22 PM. TIPTON stated that he met with Bobby at a store in Boulevard,
23 California and followed him back to the residence. Once at the
24 residence, TIPTON stated that Bobby loaded TIPTON's vehicle with
25 the marijuana which had recently been delivered by unknown
26 individuals. TIPTON stated that he was supposed to follow Bobby
27 through the checkpoint located on Interstate 8 near Pine Valley,
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California. After getting through the checkpoint, TIPTON was
1 supposed to call Bobby where he would be given directions as to
2 where to drop off the marijuana. TIPTON stated that the marijuana
3 in his vehicle was all he was going to take on his first trip.
4 TIPTON stated that the marijuana found in the residence would be
5 transported by him on subsequent trips.
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